International Criminal Court ICC-ASP/1/5

Assembly of States Parties

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21-23 April 2003

Election of the judges for the International Criminal Court: guide for the first election

Note by the Secretariat

1. The present note has been prepared pursuant to resolution ICC-ASP/1/Res.3 of 9 September 2002 concerning the procedure for the election of the judges for the International Criminal Court. In paragraph 10 of the resolution the President of the Assembly of States Parties is requested to distribute to all States Parties copies of the instructions and samples of the ballot papers before the day of the election.

2. The Secretariat, in consultation with the Bureau of the Assembly of States Parties, has prepared the voting requirements and a sample ballot paper for the purposes of the first election of the judges for the International Criminal Court.

3. The voting requirements (with sample ballot paper) as spelled out in the annex to the present note apply to the first ballot only. In the event fewer than the required number of judges are elected after the first ballot, the voting requirements will be adjusted and a new ballot paper will be prepared, depending upon the outcome of the first ballot or the immediately preceding ballot consistent with the requirements of resolution ICC-ASP/1/Res.3.

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Annex

FIRST BALLOT: ELECTION OF 18 JUDGES OF THE INTERNATIONAL CRIMINAL COURT

VOTING REQUIREMENTS

1. Please place an "X" in the box to the left of the names of the candidates for whom you wish to vote. Only those candidates whose names appear on the ballot are eligible.

2. Vote for a maximum of 18 candidates. Ballots containing votes for more than 18 candidates will be declared invalid.

3. Vote for at least 9 candidates from List A and at least 5 candidates from List B. Ballots containing votes for less than 9 candidates from List A or less than 5 candidates form List B will be declared invalid.

4. Vote for at least 3 candidates from African States;
at least 2 candidates from Asian States;
at least 2 candidates from Eastern European States;
at least 3 candidates from Latin American and Caribbean States;
and at least 3 candidates from Western Europe and Other States.
Ballots that do not satisfy these minimum regional voting requirements will be declared invalid.

5. Vote for at least 6 male and at least 6 female candidates. Ballots that do not satisfy these minimum gender voting requirements will be declared invalid.

6. If you fulfil all the minimum voting requirements in paragraphs 3, 4 and 5 above, using less than 18 votes, you may abstain in voting for the remaining candidates.

7. Please check ballots to ensure that votes have been cast for:

(a) no more than 18 candidates;

(b) at least 9 candidates from List A and at least 5 candidates from List B;

(c) at least 3 candidates from African States, at least 2 candidates from Asian States, at least 2 candidates from Eastern European States, at least 3 candidates from Latin American and Caribbean States and at least 3 candidates from Western Europe and Other States; and

(d) at least 6 males and at least 6 females.

FIRST BALLOT: ELECTION OF 18 JUDGES OF THE INTERNATIONAL CRIMINAL COURT

REGIONAL GROUPS	VOTE FOR A MAXIMUM OF 18 CANDIDATES			
	LIST A VOTE FOR AT LEAST 9 FROM LIST A		**LIST B** VOTE FOR AT LEAST 5 FROM LIST B	
	GENDER DISTRIBUTION: VOTE FOR AT LEAST 6 MALES AND 6 FEMALES			
	MALE	**FEMALE**	**MALE**	**FEMALE**
AFRICA VOTE FOR AT LEAST 3 CANDIDATES FROM THIS REGION	☐ Karibi-Whyte (Nigeria) ☐ Katuala Kaba Kashala (DRC) ☐ Lugakingira (Tanzania) ☐ Ndir (Senegal) ☐ Sissoko (Niger)	☐ Diarra (Mali)	☐ Capo-Chichi (Benin) ☐ Nsereko (Uganda) ☐ Sock (Gambia)	☐ Kuenyehia (Ghana) ☐ Pillay (South Africa)
ASIA VOTE FOR AT LEAST 2 CANDIDATES FROM THIS REGION	☐ Pikis (Cyprus) ☐ Slade (Samoa) ☐ Song (Republic of Korea) ☐ Tuivaga (Fiji)		☐ Enkhsaikhan (Mongolia) ☐ Heng Vong (Cambodia)	
EASTERN EUROPE VOTE FOR AT LEAST 2 CANDIDATES FROM THIS REGION	☐ Zupančič (Slovenia)	☐ Kárpáti (Hungary) ☐ Zielińska (Poland)	☐ Diaconu (Romania) ☐ Gochev (Bulgaria) ☐ Josipović (Croatia)	☐ Ušacka (Latvia)
LATIN AMERICA/ CARIBBEAN VOTE FOR AT LEAST 3 CANDIDATES FROM THIS REGION	☐ Hudson-Phillips (Trinidad and Tobago)	☐ Odio Benito (Costa Rica) ☐ Steiner (Brazil)	☐ Blattmann (Bolivia) ☐ Boggiano (Argentina) ☐ Maclean Ugarteche (Peru) ☐ Nieto Navia (Colombia) ☐ Rodriguez-Cedeño (Venezuela)	
WESTERN EUROPE AND OTHER VOTE FOR AT LEAST 3 CANDIDATES FROM THIS REGION	☐ Fulford (United Kingdom) ☐ Giannidis (Greece) ☐ Jorda (France) ☐ Rodrigues (Portugal)	☐ Clark (Ireland) ☐ Ott (Switzerland)	☐ Bossuyt (Belgium) ☐ Kaul (Germany) ☐ Kirsch (Canada) ☐ Kourula (Finland) ☐ Politi (Italy) ☐ Yáñez-Barnuevo (Spain)	

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Election of the Prosecutor of the International Criminal Court

Note by the Secretariat

1. Under the terms of article 42, paragraph 4, of the Rome Statute of the International Criminal Court, the Prosecutor of the Court is to be elected by secret ballot by an absolute majority of the members of the Assembly of States Parties, and shall hold office for a period of nine years, unless a shorter period is decided upon at the time of election. According to paragraph 3 of the same provision, the Prosecutor shall be a person of high moral character, be highly competent in and have extensive practical experience in the prosecution or trial of criminal cases, as well as having an excellent knowledge of and be fluent in at least one of the working languages of the Court.

2. The Assembly of States Parties to the Rome Statute, at its 3rd plenary meeting, on 9 September 2002, further adopted resolution ICC-ASP/1/Res.2, entitled "Procedure for the nomination and election of judges, the Prosecutor and Deputy Prosecutors of the International Criminal Court". Under the terms of paragraphs 24 and 25 of the resolution, the procedures for the nomination of candidates for judges apply mutatis mutandis to the nomination of the Prosecutor, and a preference is expressed for nominations for the post of the Prosecutor being made with the support of multiple States Parties.

3. The nomination period for the Prosecutor was opened on 9 September 2002, at which time the Bureau of the Assembly encouraged States Parties to consult informally first, before processing their official nominations for the post of the Prosecutor with the Secretariat.[1] Following the expiration of the nomination period on 30 November 2002, the period was extended to 8 December 2002. As at the closing of the extended nomination period, no nominations for the post of the Prosecutor had been received. The President of the Assembly of States Parties, in a further letter, dated 9 December 2002, announced his intention to inform the

[1] See ICC-ASP/1/3, para. 27.

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Assembly, at its resumed session to be held from 3 to 7 February 2003, of the fact that no nominations had been received, with a view to requesting it to consider, as appropriate, reopening the nomination period.